



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
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July 29, 2014

**VIA ECF**

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: SEC v. The Committee on Ways and Means  
of the U.S. House of Representatives, et al. (14 Misc. 00193) (PGG)**

Dear Judge Gardephe:

We write on behalf of the Commission to state its position with respect to oral argument on this matter and, should the Court determine to hear argument, to respectfully request that the Court hold a telephonic conference for scheduling purposes.

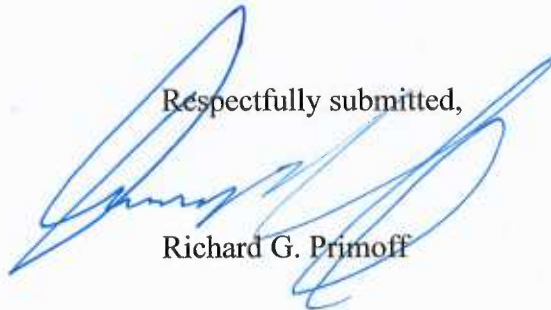
The Commission notes that approximately half of Respondents' July 25 reply papers constitute a sur-reply on the non-jurisdictional defenses they have raised under the Speech or Debate Clause and *United States v. Morgan*, 313 U.S. 409 (1941), despite the fact that Respondents never sought leave to file a sur-reply, and the modified briefing schedule approved by the Court (DE 19) expressly limited the scope of Respondents' reply to their own jurisdictional motion to dismiss. Should the Court find it helpful to its resolution of this matter for the Commission to address the additional points Respondents raised on those issues (or, of course, on any other issue), the Commission requests oral argument.

The Commission also respectfully requests that should the Court determine to hear argument, the Court confer with counsel telephonically on an appropriate date. Counsel for the Commission have travel commitments on multiple dates between August 18 and September 9, 2014 and believe a conference may be the most efficient way to schedule an argument date that avoids conflicts with the Court's or counsels' schedules.

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We attempted to obtain comment from Respondents' counsel in order to include their position in this letter before sending it to the Court. We understand that counsel for Respondents will be sending their own responsive letter within the next day or two to state their position.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Richard G. Primoff', is written over the typed name. The signature is fluid and cursive.

Richard G. Primoff

cc: Counsel for Respondents (Via Email)